

United States Court of Appeals for the Fifth Circuit

No. 24-50071
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 11, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ZAHRAA BZAIH,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:23-MJ-3011-1

Before HAYNES, HIGGINSON, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

The attorney appointed to represent Zahraa Bzaih has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Bzaih has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with counsel's

* This opinion is not designated for publication. See 5TH CIR. R. 47.5. JUDGE HAYNES disagrees in part and would dismiss the appeal of Bzaih's sentence as moot.

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assessment that the appeal presents no nonfrivolous issue for appellate review.¹ Counsel’s motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the appeal is DISMISSED.

¹ Although Bzaih’s sentence has run, no defect in our jurisdiction over an appeal of the sentence appears on the record presented. “[T]o establish that a once-live case has become moot” in these circumstances, *West Virginia v. EPA*, 597 U.S. 697, 719 (2022), the presence or absence of “continuing ‘collateral consequences’” must “be either proved or presumed.” *See Spencer v. Kemna*, 523 U.S. 1, 8 (1998); *Pollard v. United States*, 352 U.S. 354, 358 (1957) (“The possibility of consequences collateral to the imposition of sentence is sufficiently substantial to justify our dealing with the merits.”); *see also* 13B CHARLES ALAN WRIGHT ET AL., *FEDERAL PRACTICE AND PROCEDURE* § 3533.1 (3d ed. 2008) (“Notwithstanding the Article III foundations of mootness, . . . in cases of doubt it is regularly ruled that the party claiming mootness has the burden of demonstrating that mootness has in fact occurred.” (citing *Firefighters Local Union No. 1784 v. Stotts*, 467 U.S. 561, 569 (1984))).